

AMENDMENT TO H.R. 3409
OFFERED BY MR. DEFAZIO OF OREGON

At the end of title II, insert the following:

1 **SEC. 212. COAST GUARD PAY; CONTINUATION.**

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Pay Our Coast Guard Parity Act of 2019”.

4 (b) **FINDINGS.**—The Congress makes the following
5 findings:

6 (1) The Coast Guard is a military service and
7 a branch of the Armed Forces of the United States
8 at all times regardless of whether it operates as a
9 service in the Department of Homeland Security or
10 as a service in the Navy.

11 (2) Notwithstanding respective appropriations
12 and except as otherwise provided in law, members of
13 the Coast Guard should receive treatment equitable
14 to that of other members of the Armed Forces with
15 regard to pay and benefits.

16 (c) **COAST GUARD PAY; CONTINUATION.**—

17 (1) **IN GENERAL.**—Chapter 27 of title 14,
18 United States Code, is amended by adding at the
19 end the following:

1 **“§ 2780. Pay; continuation during lapse in appropria-**
2 **tions.**

3 “(a) IN GENERAL.—In the case of any period in
4 which there is a Coast Guard-specific funding lapse, there
5 are appropriated such sums as may be necessary—

6 “(1) to provide pay and allowances to military
7 members of the Coast Guard, including the reserve
8 component thereof, who perform active service or in-
9 active-duty training during such period;

10 “(2) to provide pay and benefits to qualified ci-
11 vilian employees of the Coast Guard;

12 “(3) to provide pay and benefits to qualified
13 contract employees of the Coast Guard;

14 “(4) to provide for—

15 “(A) the payment of a death gratuity
16 under sections 1475 through 1477 and 1489 of
17 title 10, with respect to members of the Coast
18 Guard;

19 “(B) the payment or reimbursement of au-
20 thorized funeral travel and travel related to the
21 dignified transfer of remains and unit memorial
22 services under section 481f of title 37, with re-
23 spect to members of the Coast Guard; and

24 “(C) the temporary continuation of a basic
25 allowance of housing for dependents of mem-

1 bers of the Coast Guard dying on active duty,
2 as authorized by section 403(1) of title 37; and
3 “(5) to provide for Coast Guard retired pay, in-
4 cluding the payment of obligations otherwise charge-
5 able to lapsed appropriations for this purpose, pay-
6 ments under the Retired Serviceman’s Family Pro-
7 tection and Survivor Benefits Plans, payment for ca-
8 reer status bonuses, payment of continuation pay
9 under section 356 of title 37, concurrent receipts,
10 combat-related special compensation, and payments
11 for medical care of retired personnel and their de-
12 pendents under chapter 55 of title 10.

13 “(b) COAST GUARD-SPECIFIC FUNDING LAPSE.—
14 For purposes of this section, a Coast Guard-specific fund-
15 ing lapse occurs in any case in which—

16 “(1) a general appropriation bill providing ap-
17 propriations for the Coast Guard for a fiscal year is
18 not enacted before the beginning of such fiscal year
19 (and no joint resolution making continuing appro-
20 priations for the Coast Guard is in effect); and

21 “(2) a general appropriation bill providing ap-
22 propriations for the Department of Defense for such
23 fiscal year is enacted before the beginning of such
24 fiscal year (or a joint resolution making continuing

1 appropriations for the Department of Defense is in
2 effect).

3 “(c) TERMINATION.—Appropriations and funds made
4 available and authority granted for any fiscal year for any
5 purpose under subsection (a) shall be available until
6 whichever of the following first occurs:

7 “(1) The enactment into law of an appropria-
8 tion (including a continuing appropriation) for such
9 purpose.

10 “(2) The enactment into law of an appropria-
11 tion (including a continuing appropriation) for the
12 Coast Guard without provision for such purpose.

13 “(3) The termination of availability of appropria-
14 tions for the Department of Defense.

15 “(4) The date that is 180 days after the begin-
16 ning of the Coast Guard-specific funding lapse.

17 “(d) RATE FOR OPERATIONS; APPLICABILITY TO AP-
18 PROPRIATION ACTS.—Appropriations made pursuant this
19 section shall be available at a rate for operations and to
20 the extent and in the manner that would be provided by
21 the pertinent appropriations Act.

22 “(e) CHARGE TO FUTURE APPROPRIATIONS.—Ex-
23 penditures made pursuant to this section shall be charged
24 to the applicable appropriation, fund, or authorization

1 whenever a bill in which such applicable appropriation,
2 fund, or authorization is enacted into law.

3 “(f) APPORTIONMENT.—Appropriations and funds
4 made available by or authority granted under this section
5 may be used without regard to the time limitations for
6 submission and approval of apportionments set forth in
7 section 1513 of title 31, but nothing in this section may
8 be construed to waive any other provision of law governing
9 the apportionment of funds.

10 “(g) DEFINITIONS.—In this section:

11 “(1) The term ‘qualified civilian employee’
12 means a civilian employee of the Coast Guard whom
13 the Commandant determines is—

14 “(A) providing support to members of the
15 Coast Guard or another Armed Force; or

16 “(B) performing work as an excepted em-
17 ployee or an employee performing emergency
18 work, as those terms are defined by the Office
19 of Personnel Management.

20 “(2) The term ‘qualified contract employee of
21 the Coast Guard’ means an individual performing
22 work under a contract whom the Commandant de-
23 termines is—

1 “(A) providing support to military mem-
2 bers or qualified civilian employees of the Coast
3 Guard or another Armed Force; or

4 “(B) required to perform work during a
5 lapse in appropriations.”.

6 (2) CLERICAL AMENDMENT.—The analysis for
7 chapter 27 of title 14, United States Code, is
8 amended by adding at the end the following:

“2780. Pay; continuation during lapse in appropriations.”.

9 **SEC. 213. RESEARCH PROJECTS; TRANSACTIONS OTHER**
10 **THAN CONTRACTS AND GRANTS.**

11 (a) IN GENERAL.—Chapter 7 of title 14, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 **“§ 720. Research projects: transactions other than**
15 **contracts and grants**

16 “(a) ADDITIONAL FORMS OF TRANSACTIONS AU-
17 THORIZED.—The Commandant may enter into trans-
18 actions (other than contracts, cooperative agreements, and
19 grants) in carrying out basic, applied, and advanced re-
20 search projects. The authority under this subsection is in
21 addition to the authority provided in section 717 to use
22 contracts, cooperative agreements, and grants in carrying
23 out such projects.

1 “(b) ADVANCE PAYMENTS.—The authority under
2 subsection (a) may be exercised without regard to section
3 3324 of title 31.

4 “(c) RECOVERY OF FUNDS.—

5 “(1) IN GENERAL.—Subject to subsection (d), a
6 cooperative agreement for performance of basic, ap-
7 plied, or advanced research authorized by section
8 717, and a transaction authorized by subsection (a),
9 may include a clause that requires a person or other
10 entity to make payments to the Coast Guard or any
11 other department or agency of the Federal Govern-
12 ment as a condition for receiving support under the
13 agreement or transaction, respectively.

14 “(2) AVAILABILITY OF FUNDS.—The amount of
15 any payment received by the Federal Government
16 pursuant to a requirement imposed under paragraph
17 (1) may be credited, to the extent authorized by the
18 Commandant, to an appropriate appropriations ac-
19 count. Amounts so credited shall be merged with
20 other funds in the account and shall be available for
21 the same purposes and the same period for which
22 other funds in such account are available.

23 “(d) CONDITIONS.—

24 “(1) IN GENERAL.—The Commandant shall en-
25 sure that—

1 “(A) to the extent that the Commandant
2 determines practicable, no cooperative agree-
3 ment containing a clause described in sub-
4 section (c)(1), and no transaction entered into
5 under subsection (a), provides for research that
6 duplicates research being conducted under ex-
7 isting programs carried out by the Coast
8 Guard; and

9 “(B) to the extent that the Commandant
10 determines practicable, the funds provided by
11 the Federal Government under a cooperative
12 agreement containing a clause described in sub-
13 section (c)(1), or under a transaction author-
14 ized by subsection (a), do not exceed the total
15 amount provided by other parties to the cooper-
16 ative agreement or other transaction, respec-
17 tively.

18 “(2) OTHER AGREEMENTS NOT FEASIBLE.—A
19 cooperative agreement containing a clause described
20 in subsection (c)(1), or under a transaction author-
21 ized by subsection (a), may be used for a research
22 project only if the use of a standard contract, grant,
23 or cooperative agreement for such project is not fea-
24 sible or appropriate.

1 “(e) EDUCATION AND TRAINING.—The Commandant
2 shall—

3 “(1) ensure that management, technical, and
4 contracting personnel of the Coast Guard involved in
5 the award or administration of transactions under
6 this section or other innovative forms of contracting
7 are afforded opportunities for adequate education
8 and training; and

9 “(2) establish minimum levels and requirements
10 for continuous and experiential learning for such
11 personnel, including levels and requirements for ac-
12 quisition certification programs.

13 “(f) REGULATIONS.—The Secretary of the depart-
14 ment in which the Coast Guard is operating shall prescribe
15 regulations, as necessary, to carry out this section.

16 “(g) PROTECTION OF CERTAIN INFORMATION FROM
17 DISCLOSURE.—

18 “(1) IN GENERAL.—Disclosure of information
19 described in paragraph (2) is not required, and may
20 not be compelled, under section 552 of title 5 for
21 five years after the date on which the information is
22 received by the Coast Guard.

23 “(2) LIMITATION.—

24 “(A) IN GENERAL.—Paragraph (1) applies
25 to information described in subparagraph (B)

1 that is in the records of the Coast Guard only
2 if the information was submitted to the Coast
3 Guard in a competitive or noncompetitive proc-
4 ess having the potential for resulting in an
5 award, to the party submitting the information,
6 of a cooperative agreement for performance of
7 basic, applied, or advanced research authorized
8 by section 717 or another transaction author-
9 ized by subsection (a).

10 “(B) INFORMATION DESCRIBED.—The in-
11 formation referred to in subparagraph (A) is
12 the following:

13 “(i) A proposal, proposal abstract,
14 and supporting documents.

15 “(ii) A business plan submitted on a
16 confidential basis.

17 “(iii) Technical information submitted
18 on a confidential basis.

19 “(h) ANNUAL REPORT.—On the date on which the
20 President submits to Congress a budget pursuant to sec-
21 tion 1105 of title 31, the Commandant shall submit to
22 the Committee on Transportation and Infrastructure of
23 the House of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Senate a report
25 describing each use of the authority provided under this

1 section during the most recently completed fiscal year, in-
2 cluding details of each use consisting of—

3 “(1) the amount of each transaction;

4 “(2) the entities or organizations involved;

5 “(3) the product or service received; and

6 “(4) the research project for which the product
7 or service was required.”.

8 (b) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 7 of title 14, United States Code, is amended by add-
10 ing at the end the following:

“720. Research projects; transactions other than contracts and grants.”.

11 **SEC. 214. ACQUISITION WORKFORCE AUTHORITIES.**

12 (a) IN GENERAL.—Chapter 11 of title 14, United
13 States Code, as amended by this Act, is further amended
14 by inserting after section 1110 the following:

15 **“§ 1111. Acquisition workforce authorities**

16 “(a) EXPEDITED HIRING AUTHORITY.—

17 “(1) IN GENERAL.—For the purposes of section
18 3304 of title 5, the Commandant may—

19 “(A) designate any category of acquisition
20 positions within the Coast Guard as shortage
21 category positions; and

22 “(B) use the authorities in such section to
23 recruit and appoint highly qualified persons di-
24 rectly to positions so designated.

1 “(2) REPORTS.—The Commandant shall in-
2 clude in reports under section 1102 information de-
3 scribed in that section regarding positions des-
4 ignated under this subsection.

5 “(b) REEMPLOYMENT AUTHORITY.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), if an annuitant receiving an annuity from
8 the Civil Service Retirement and Disability Fund be-
9 comes employed in any category of acquisition posi-
10 tions designated by the Commandant under sub-
11 section (a), the annuity of the annuitant so em-
12 ployed shall continue. The annuitant so reemployed
13 shall not be considered an employee for purposes of
14 subchapter III of chapter 83 or chapter 84 of title
15 5.

16 “(2)(A) ELECTION.—An annuitant retired
17 under section 8336(d)(1) or 8414(b)(1)(A) of title 5,
18 receiving an annuity from the Civil Service Retire-
19 ment and Disability Fund, who becomes employed in
20 any category of acquisition positions designated by
21 the Commandant under subparagraph (a) after date
22 of enactment of the Coast Guard Authorization Act
23 of 2019, may elect to be subject to section 8344 or
24 8468 of such title (as the case may be).

1 “(i) DEADLINE.—An election for cov-
2 erage under this subsection shall be filed
3 not later than 90 days after the Com-
4 mandant takes reasonable actions to notify
5 an employee who may file an election.

6 “(ii) COVERAGE.—If an employee files
7 an election under this subsection, coverage
8 shall be effective beginning on the first day
9 of the first applicable pay period beginning
10 on or after the date of the filing of the
11 election.

12 “(B) APPLICATION.—Paragraph (1) shall
13 apply to an individual who is eligible to file an
14 election under such subparagraph and does not
15 file a timely election under clause (i).”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 of chapter 11 of title 14, United States Code, is amended
18 by inserting after the item relating to section 1110 the
19 following:

 “1111. Acquisition workforce authorities.”.

20 **SEC. 215. COAST GUARD HOUSING FUND.**

21 Section 2946 of title 14, United States Code, is
22 amended—

23 (1) in subsection (c) by striking paragraph (2)
24 and redesignating paragraph (1) as paragraph (2);

1 (2) Funding levels transferred or otherwise pro-
2 vided by the Department of Defense to the Coast
3 Guard in support of the Coast Guard’s defense read-
4 iness missions for each of the past ten fiscal years.

5 (3) The number of Coast Guard detachments
6 assigned in support of the Coast Guard’s defense
7 readiness mission for each of the past ten fiscal
8 years.

9 (c) ASSESSMENT.—In addition to the elements de-
10 tailed in subsection (b), the report shall include an assess-
11 ment of the impacts on the Coast Guard’s non-defense
12 mission readiness and operational capabilities due to the
13 annual levels of reimbursement provided by the Depart-
14 ment of Defense to compensate the Coast Guard for its
15 expenses to fulfill its defense readiness mission.

At the end of title III, insert the following:

16 **SEC. 315. ABANDONED SEAFARERS FUND.**

17 Section 11113 of title 46, United States Code, is
18 amended—

19 (1) in subsection (a)(2), by striking “may be
20 appropriated to the Secretary” and inserting “shall
21 be available to the Secretary without further appro-
22 priations and shall remain available until expended”;
23 and

24 (2) by striking subsection (c)(4).

1 **SEC. 316. ICE PATROL; PAYMENTS.**

2 Section 80301(c) of title 46, United States Code, is
3 amended by striking “operating expenses of the Coast
4 Guard.” and inserting “operations and support of the
5 Coast Guard and shall remain available until expended.”

6 **SEC. 317. SECURITY PLANS; REVIEWS.**

7 Section 70103 of title 46, United States Code, is
8 amended—

9 (1) in subsection (b)(3), by inserting “and up-
10 dates” after “Area Maritime Transportation Secu-
11 rity Plans” each place it appears; and

12 (2) in subsection (c)(4), by inserting “or up-
13 date” after “plan” each place it appears.

14 **SEC. 318. WAIVER OF NAVIGATION AND VESSEL INSPEC-**
15 **TION LAWS.**

16 Section 501(a) of title 46, United States Code, is
17 amended—

18 (1) by inserting “(1) IN GENERAL.—” before
19 “On request”; and

20 (2) by adding at the end the following:

21 “(2) EXPLANATION.—Not later than 24 hours
22 after making a request under paragraph (1), the
23 Secretary of Defense shall submit to the Committees
24 on Transportation and Infrastructure and Armed
25 Services of the House of Representatives and the
26 Committees on Commerce, Science, and Transpor-

1 tation and Armed Services of the Senate a written
2 explanation of the circumstances requiring such a
3 waiver in the interest of national defense, including
4 a confirmation that there are insufficient qualified
5 vessels to meet the needs of national defense without
6 such a waiver.”.

7 **SEC. 319. REQUIREMENT FOR SMALL SHIPYARD GRANTEES.**

8 Section 54101(d) of title 46, United States Code, is
9 amended—

10 (1) by striking “Grants awarded” and inserting
11 the following:

12 “(1) IN GENERAL.—Grants awarded”; and

13 (2) by adding at the end the following:

14 “(2) BUY AMERICA.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (B), no funds may be obligated by the
17 Administrator of the Maritime Administration
18 under this section, unless each product and ma-
19 terial purchased with those funds (including
20 products and materials purchased by a grant-
21 ee), and including any commercially available
22 off-the-shelf item, is—

23 “(i) an unmanufactured article, mate-
24 rial, or supply that has been mined or pro-
25 duced in the United States; or

1 “(ii) a manufactured article, material,
2 or supply that has been manufactured in
3 the United States substantially all from ar-
4 ticles, materials, or supplies mined, pro-
5 duced, or manufactured in the United
6 States.

7 “(B) EXCEPTIONS.—

8 “(i) IN GENERAL.—Notwithstanding
9 subparagraph (A), the requirements of
10 that subparagraph shall not apply with re-
11 spect to a particular product or material if
12 such Administrator determines—

13 “(I) that the application of those
14 requirements would be inconsistent
15 with the public interest;

16 “(II) that such product or mate-
17 rial is not available in the United
18 States in sufficient and reasonably
19 available quantities, of a satisfactory
20 quality, or on a timely basis; or

21 “(III) that inclusion of a domes-
22 tic product or material will increase
23 the cost of that product or material by
24 more than 25 percent, with respect to

1 a certain contract between a grantee
2 and that grantee's supplier.

3 “(ii) FEDERAL REGISTER.—A deter-
4 mination made by such Administrator
5 under this subparagraph shall be published
6 in the Federal Register.

7 “(C) DEFINITIONS.—In this paragraph:

8 “(i) The term ‘commercially available
9 off-the-shelf item’ means—

10 “(I) any item of supply (includ-
11 ing construction material) that is—

12 “(aa) a commercial item, as
13 defined by section 2.101 of title
14 48, Code of Federal Regulations;
15 and

16 “(bb) sold in substantial
17 quantities in the commercial
18 marketplace; and

19 “(II) does not include bulk cargo,
20 as that term is defined in section
21 40102(4) of this title, such as agricul-
22 tural products and petroleum prod-
23 ucts.

24 “(ii) The term ‘product or material’
25 means an article, material, or supply

1 brought to the site by the recipient for in-
2 corporation into the building, work, or
3 project. The term also includes an item
4 brought to the site preassembled from arti-
5 cles, materials, or supplies. However, emer-
6 gency life safety systems, such as emer-
7 gency lighting, fire alarm, and audio evac-
8 uation systems, that are discrete systems
9 incorporated into a public building or work
10 and that are produced as complete sys-
11 tems, are evaluated as a single and distinct
12 construction material regardless of when or
13 how the individual parts or components of
14 those systems are delivered to the con-
15 struction site.

16 “(iii) The term ‘United States’ in-
17 cludes the District of Columbia, the Com-
18 monwealth of Puerto Rico, the Northern
19 Mariana Islands, Guam, American Samoa,
20 and the Virgin Islands.”.

21 **SEC. 320. INDEPENDENT STUDY ON THE UNITED STATES**
22 **MERCHANT MARINE ACADEMY.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, the Secretary of Transpor-
25 tation shall seek to enter into an agreement with the Na-

1 tional Academy of Public Administration (referred to in
2 this section as the “Academy”) to carry out the activities
3 described in this section.

4 (b) STUDY ELEMENTS.—In accordance with the
5 agreement described in subsection (a), the Academy shall
6 conduct a study of the United States Merchant Marine
7 Academy that consists of the following:

8 (1) A comprehensive assessment of the United
9 States Merchant Marine Academy’s systems, train-
10 ing, facilities, infrastructure, information technology,
11 and stakeholder engagement.

12 (2) Identification of needs and opportunities for
13 modernization to help the United States Merchant
14 Marine Academy keep pace with more modern cam-
15 puses.

16 (3) Development of an action plan for the
17 United States Merchant Marine Academy with spe-
18 cific recommendations for—

19 (A) improvements or updates relating to
20 the opportunities described in paragraph (2);
21 and

22 (B) systemic changes needed to help the
23 United States Merchant Marine Academy
24 achieve its mission of inspiring and educating

1 the next generation of the mariner workforce on
2 a long-term basis.

3 (c) **DEADLINE AND REPORT.**—Not later than 1 year
4 after the date of the agreement described in subsection
5 (a), the Academy shall prepare and submit to the Adminis-
6 trator of the Maritime Administration a report containing
7 the action plan described in subsection (b)(3), including
8 specific findings and recommendations.

9 **SEC. 321. CENTERS OF EXCELLENCE FOR DOMESTIC MARI-**
10 **TIME WORKFORCE TRAINING AND EDU-**
11 **CATION.**

12 Section 54102 of title 46, United States Code, is
13 amended—

14 (1) in subsection (b), by inserting “or sub-
15 section (d)” after “designated under subsection (a)”;
16 and

17 (2) by adding at the end the following:

18 “(d) **STATE MARITIME ACADEMY.**—The Secretary of
19 Transportation shall designate each State maritime acad-
20 emy, as defined in section 51102(4) of this title, as a cen-
21 ter of excellence under this section.”.

22 **SEC. 322. RENEWAL OF MERCHANT MARINER LICENSES**
23 **AND DOCUMENTS.**

24 Section 7507 of title 46, United States Code, is
25 amended by adding at the end the following:

1 “(d) RENEWAL.—With respect to any renewal of an
2 existing merchant mariner credential that is not an exten-
3 sion under subsections (a) or (b), such credential shall
4 begin the day after the expiration of the credential holder’s
5 existing credential.”.

At the end of title IV, insert the following:

6 **SEC. 422. HOMELAND SECURITY ROTATIONAL CYBERSECU-**
7 **RITY RESEARCH PROGRAM AT THE COAST**
8 **GUARD ACADEMY.**

9 (a) IN GENERAL.—Subtitle E of title VIII of the
10 Homeland Security Act of 2002 (6 U.S.C. 411 et seq.)
11 is amended by adding at the end the following:

12 **“SEC. 846. ROTATIONAL CYBERSECURITY RESEARCH PRO-**
13 **GRAM.**

14 “To enhance the Department’s cybersecurity capac-
15 ity, the Secretary may establish a rotational research, de-
16 velopment, and training program for—

17 “(1) detail to the Cybersecurity and Infrastruc-
18 ture Security Agency (including the national cyber-
19 security and communications integration center au-
20 thorized by section 2209) of Coast Guard Academy
21 graduates and faculty; and

22 “(2) detail to the Coast Guard Academy, as
23 faculty, of individuals with expertise and experience
24 in cybersecurity who are employed by—

1 “(A) the Agency (including the center);

2 “(B) the Directorate of Science and Tech-
3 nology; or

4 “(C) institutions that have been designated
5 by the Department as a Center of Excellence
6 for Cyber Defense, or the equivalent.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of such Act is amended by adding at the
9 of the items relating to such subtitle the following:

“Sec. 846. Rotational cybersecurity research program.”.

10 **SEC. 423. TOWING VESSEL INSPECTION FEES.**

11 Notwithstanding section 9701 of title 31, United
12 States Code, and section 2110 of title 46, United States
13 Code, the Secretary of the department in which the Coast
14 Guard is operating may not charge an inspection fee for
15 towing vessels required to have a Certificate of Inspection
16 under subchapter M of title 46, Code of Federal Regula-
17 tions, until—

18 (1) the completion of the review required under
19 section 815 of the Frank LoBiondo Coast Guard
20 Authorization Act of 2018 (Public Law 115–282);
21 and

22 (2) the promulgation of regulations to establish
23 specific inspection fees for such vessels.

1 **SEC. 424. SUBROGATED CLAIMS.**

2 (a) IN GENERAL.—Section 1012(b) of the Oil Pollu-
3 tion Act of 1990 (33 U.S.C. 2712(b)) is amended—

4 (1) by striking “The” and inserting the fol-
5 lowing:

6 “(1) IN GENERAL.—The”; and

7 (2) by adding at the end the following:

8 “(2) SUBROGATED RIGHTS.—Except for a guar-
9 antor claim pursuant to a defense under section
10 1016(f)(1), Fund compensation of any claim by an
11 insurer or other indemnifier of a responsible party or
12 injured third party is subject to the subrogated
13 rights of that responsible party or injured third
14 party to such compensation.”.

15 (b) EFFECTIVE DATE.—This section shall take effect
16 180 days after the date of enactment of this Act.

17 **SEC. 425. LOAN PROVISIONS UNDER OIL POLLUTION ACT**
18 **OF 1990.**

19 (a) IN GENERAL.—Section 1013 of the Oil Pollution
20 Act of 1990 (33 U.S.C. 2713) is amended by striking sub-
21 section (f).

22 (b) CONFORMING AMENDMENTS.—Section 1012(a)
23 of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is
24 amended—

25 (1) in paragraph (4), by adding “and” after the
26 semicolon at the end;

1 (2) in paragraph (5)(D), by striking “; and”
2 and inserting a period; and
3 (3) by striking paragraph (6).

4 **SEC. 426. LIABILITY LIMITS.**

5 Section 1004(d)(2) of the Oil Pollution Act of 1990
6 (33 U.S.C. 2704(d)(2)) is amended to read as follows:

7 “(2) DEEPWATER PORTS AND ASSOCIATED VES-
8 SELS.—

9 “(A) IN GENERAL.—If the Secretary deter-
10 mines that the design and operation of a deep-
11 water port results in a lower risk of oil pollution
12 than the design and operation of such deep-
13 water ports as existed on the date of the enact-
14 ment of the Coast Guard Authorization Act of
15 2019, the Secretary may initiate a rulemaking
16 proceeding to lower the limitation of liability
17 under subsection (a)(4) for such deepwater port
18 and each other deepwater port which achieves
19 such lower risk level through such port’s design
20 and operation.

21 “(B) RISK DETERMINATION.—In deter-
22 mining the risk of oil pollution, the Secretary
23 shall take into account, as applicable—

24 “(i) the size of the deepwater ports
25 and associated vessels;

1 “(ii) oil storage capacity of the deep-
2 water ports and associated vessels;

3 “(iii) oil handling capacity of the
4 deepwater ports and associated vessels;

5 “(iv) oil throughput;

6 “(v) proximity to sensitive areas;

7 “(vi) type of oil handled;

8 “(vii) history of oil discharges; and

9 “(viii) such other factors relevant to
10 the oil pollution risks posed by the class or
11 category of deepwater port and associated
12 vessels as the Secretary determines appro-
13 priate.

14 “(C) LIMIT OF LIABILITY; TRANSPOR-
15 TATION OF OIL.—For deepwater ports used in
16 connection with the transportation of oil, the
17 Secretary may establish a limitation of liability
18 under subparagraph (A) of not more than
19 \$350,000,000 and not less than \$50,000,000.

20 “(D) LIMIT OF LIABILITY; TRANSPOR-
21 TATION OF NATURAL GAS.—For deepwater
22 ports used in connection with the transportation
23 of natural gas, the Secretary may establish a
24 limitation of liability under subparagraph (A) of

1 not more than \$350,000,000 and not less than
2 \$1,000,000.”.

3 **SEC. 427. REPORT ON DRUG INTERDICTION IN THE CARIB-**
4 **BEAN BASIN.**

5 (a) REPORT.—Not later than 180 days after the date
6 of enactment of this Act, the Commandant of the Coast
7 Guard shall submit to the Committee on Transportation
8 and Infrastructure of the House of Representatives and
9 the Committee on Commerce, Science, and Transportation
10 of the Senate a report on drug interdiction in the Carib-
11 bean basin.

12 (b) CONTENT.—Such report shall include—

13 (1) a statement of the Coast Guard mission re-
14 quirements for drug interdiction in the Caribbean
15 basin;

16 (2) the number of maritime surveillance hours
17 and Coast Guard assets used in each of fiscal years
18 2017 through 2019 to counter the illicit trafficking
19 of drugs and other related threats throughout the
20 Caribbean basin; and

21 (3) a determination of whether such hours and
22 assets satisfied the Coast Guard mission require-
23 ments for drug interdiction in the Caribbean basin.

1 **SEC. 428. VOTING REQUIREMENT.**

2 Section 305(i)(1)(G)(iv) of the Magnuson-Stevens
3 Fishery Conservation and Management Act (16 U.S.C.
4 1855(i)(1)(G)(iv)) is amended to read as follows:

5 “(iv) VOTING REQUIREMENT.—The
6 panel may act only by the affirmative vote
7 of at least five of its members.”.

Page 154, strike “(2) STRATEGY WITH MILE-
STONES” and all that follows through “restructure” on
page 155, line 1, and insert the following:

8 (2) STRATEGY WITH MILESTONES.—If any rec-
9 ommendation or parts of recommendations accepted
10 in the Final Action Memorandum address any of the
11 following actions, then the plan required in para-
12 graph (1) shall include a strategy with appropriate
13 milestones to carry out such recommendations or
14 parts of recommendations:

15 (A) Improve outreach and recruitment of a
16 more diverse Coast Guard Academy cadet can-
17 didate pool based on race, ethnicity, gender, re-
18 ligion, sexual orientation, socioeconomic back-
19 ground, and geographic origin.

20 (B) Modify institutional structures, prac-
21 tices, and policies to foster a more diverse cadet
22 corps body, faculty, and staff workforce based

1 on race, ethnicity, gender, religion, sexual ori-
2 entation, socioeconomic background, and geo-
3 graphic origin.

4 (C) Modify existing or establish new poli-
5 cies and safeguards to foster the retention of
6 cadets, faculty, and staff of different races,
7 ethnicities, genders, religions, sexual orienta-
8 tions, socioeconomic backgrounds, and geo-
9 graphic origins at the Coast Guard Academy.

10 (D) Restructure

Page 155, line 6, insert “an Act of” after “by”.

Page 156, lines 11-13, strike “including the Coast Guard Academy Minority outreach Team Program described under section 1905;” and insert “including the effectiveness of the Coast Guard Academy Minority Outreach Team Program described under section 1905 and of outreach and recruitment activities in the territories and other possessions of the United States;”.

On page 159, line 22, insert “and officers from territories and other possessions of the United States” after “minority officers”.

Page 161, line 15, insert “upon submitting an application” after “requirements”.

